

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA

v.

NO. 12-CR-40026-WGY

JOHN J. O'BRIEN, ET AL.

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**DEFENDANTS' JOINT MOTION FOR  
EXTENSION OF TIME TO FILE MOTIONS  
FOR JUDGMENT OF ACQUITTAL**

The defendants respectfully request the deadline to file motions for judgment notwithstanding the verdict, pursuant to Fed. R. Crim. P. 29(c), be extended from September 2, 2014 to October 2, 2014. As grounds, counsel state as follows:

The amount of evidence presented in this case was unquestionably voluminous. From May 9 to July 11, a total of 60 government witnesses testified over the course of 34 4-hour (roughly) trial days. The government and the defendants introduced a total of 207 exhibits, some of which are quite voluminous in their own right. In order for the defendants to properly brief the Rule 29 motion for judgment notwithstanding the verdict, the trial testimony of numerous witnesses still must be ordered, read and analyzed.<sup>1</sup> Simply put, this is a Sisyphean task to

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<sup>1</sup> The situation of defendant Tavares is but one example of what each defendant is dealing with in terms of transcript access and review. Given the fact that Tavares was acquitted of aiding and abetting the hiring of Melissa Melia, Patricia Mosca, Brian Mirasolo, Frank Glenowicz, and Bernard Dow, but found guilty of aiding and abetting the hiring of Patrick Lawton, Kelly Manchester, John Chisholm, Douglas MacLean and Joseph Dooley, careful scrutiny of the testimony related to these particular hires must be had in order to discern on what possible grounds the jury could have formed their verdict, e.g. what acts performed by Tavares that were testified to which separates the former hires from the latter. To do this, Tavares will be requesting complete transcripts for the following witnesses: Michael LaFrance, Catherine

perform within the currently allotted time period of just barely over one month. Additionally, the hearing for the Rule 29 motions is scheduled for October 22; the requested extension will in no way affect the timing of that hearing. Indeed, the government will have just under 3 weeks to respond.

Moreover, the undersigned has been severely back-logged in terms of workload due to being on trial for a roughly 12 week period in this case. They have necessarily needed to tend to their respective duties relative to other clients/cases during the interim and also had to continue numerous matters into open dates preceding the current filing deadline.<sup>2</sup>

The defendants therefore respectfully request an additional 30 day period, from September 2 to October 2, to file motions for judgment of acquittal so they can carefully read, review, and analyze all of the evidence put before this Honorable Court. The government does not assent to the defendants' request.

Date: August 14, 2014

Respectfully submitted,

ELIZABETH V. TAVARES  
by her attorneys,

/s/ Jeffrey A. Denner  
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Sabaitis, Elizabeth LaStaiti, James Casey, Patricia Mosca, Melissa Melia, Thomas Brownell, Brian Murphy, Gail Garinger, Maria Walsh, Rick O'Neil, Ed Dalton, Ed Ryan, Janet Mucci, Paul Lucci, Robert Mulligan, Francis Wall.

<sup>2</sup> Moreover, most or all of the undersigned have had to reschedule summer vacations, as a result of the trial being extended an extra 4 weeks, to the weeks immediately following the end of trial. For example, Attorney Bailey rescheduled his previously scheduled family vacation from the week of July 18 to the week of August 18 as a result of the case not being completed until July 24.

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**Certificate of Service**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 14, 2014.

/s/ Jeffrey A. Denner